

REMARKS/ARGUMENTS

In the communication mailed September 10, 2004, the Examiner has rejected claims 44 and 46 through 49 under 35 U.S.C. §102 (e). Upon entry of the instant amendment, such claims will be cancelled and so such rejection will be moot.

Claim 45 was rejected by the Examiner under 35 U.S.C. §112, as such claim was indefinite. However, the Examiner did examine such claim, correctly interpreting it to mean C₁-C₆ hydroxyalkyl cellulose. With such interpretation, the Examiner rejected such claim under 35 U.S.C. §103 over Eichman in view of Chow. Reconsideration of such rejection in view of the instant amendment is requested.

As recognized by the Examiner, Eichman does not disclose hydroxyalkyl celluloses. Additionally, the ranges taught by Chow for hydroxyalkyl celluloses are not those taught in the subject application. Additionally, the range of particle sizes taught in Chow, from 25µm to about 1,000 µm, cannot be realistically deemed to be the equivalent of or to render obvious the very specific particle size, 50 µm, taught in the subject application.

Application No. 10/657,011
Amdt dated December 29, 2004
Reply to Office action of September 10, 2004

In view of the foregoing, it is respectfully submitted that the subject application is in condition for allowance and such favorable action at an early date is earnestly solicited.

Respectfully submitted,

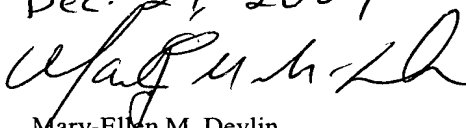


Mary-Ellen M. Devlin
Attorney for Applicant(s)
Reg. No. 27,928

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT. 06877
Tel.: (203) 798-4866
December 29, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on Dec. 29, 2004

By: Mary-Ellen M. Devlin
Reg. No. 27,928